Government of Kerala
1980

Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXV] Trivandrum, Monday, 29th December 1980 / 8th Pousha 1902 [No. 1121

GOVERNMENT OF KERALA

Transport, Fisheries & Ports (L) Department

NOTIFICATION

G. O. (P) 156/80/F&PD. *Dated, Trivandrum, 29th December,* 1980.

S. R. O. No. 1292/80.—In exercise of the powers conferred by clause (h) of section 2 of the Kerala Marine Fishing Regulation Ordinance, 1980 (12 of 1980) the Government of Kerala hereby specify the area from the shore upto 16 fathom line in the sea along the coast line of the State from Kollengode to Edava for a length of 78 kilometers and the area upto 8 fathom line in the sea along the coast line from Paravoor South to Manjeswaram for a length of 512 kilometres as specified area for the purpose of regulating, restricting or prohibiting fishing by all fishing vessels fitted with mechanical means of propulsion under clause (a) of sub-section (1) of section 4 of the said Ordinance.

By order of the Governor,

D. Babu Paul,

Special Secretary to Government.

Explanatory Note

(This note is not part of this notification but is intended to indicate its general purport).

Under clause (a) of sub-section (1) of section 4 of the Kerala Marine Fishing Regulation Ordinance, 1980 (12 of 1980) the Government have been empowered to prohibit the use of any class of vessels for fishing in any specified area in the sea. This notification is intended to specify a 'specified area' under clause (h) of section 2 of the Ordinance for the purpose of prohibiting the use of all classes of mechanised fishing vessels.

33/5177/MC.

GOVERNMENT OF KERALA

Transport, Fisheries & Ports (L) Department

ORDER

G. O. (P) 157/80/F&PD. *Dated, Trivandrum, 29th December*, 1980.

S. R. O. No. 1293/80.—Whereas Government are convinced of the need to protect the interests of persons engaged in fishing using traditional fishing crafts such as catamarams, country crafts and canoes in the area specified in the sea along the entire coast line of the State;

And whereas there is need to conserve fish and to regulate fishing on a scientific basis in the specified area;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 4 of the Kerala Marine Fishing Regulation Ordinance, 1980 (12 of 1980) read with rule 3 of the Kerala Marine Fishing Regulation Rules, 1980 the Government of Kerala hereby prohibit the fishing by all fishing vessels fitted with mechanical means of propulsion in the specified area mentioned in the notification issued under G.O.(P) 156/80/F&PD dated the 29th December, 1980.

By order of the Governor,

D. Babu Paul,

Special Secretary to Government.

Explanatory Note

(This note is not part of this order but is intended to indicate its general purport).

Section 4 (1) (a) of the Kerala Marine Fishing Regulation Ordinance, 1980 empowers the Government to regulate, restrict or prohibit the use of such class of vessels for fishing in any specified area. This order is intended to prohibit the fishing by all classes of vessels fitted with mechanical means of propulsion in the specified area mentioned in the notification.

GOVERNMENT OF KERALA

Transport, Fisheries & Ports (L) Department

NOTIFICATION

G. O. (P) 158/80/F&PD. *Dated, Trivandrum, 29th December,* 1980.

S. R. O. No. 1294/80.—In exercise of powers conferred by clause (h) of section 2 of the Kerala Marine Fishing Regulation Ordinance, 1980 (12 of 1980) the Government of Kerala hereby specify the area from the shore upto the 20 fathom line in the sea along the coast line of the State from Kollengode to Edava for a length of 78 kilometres and the area upto 10 fathom line in the sea along the coast line from Paravoor South to Manjeswaram for a length of 512 kilometres as specified area for the purpose of regulating, restricting or prohibiting fishing by fishing vessels fitted with mechanical means of propulsion except motorised country crafts under clause (a) of sub-section (1) of section 4 of the said Ordinance.

By order of the Governor,

D. Babu Paul,
Special Secretary to Government.

Explanatory Note

(This note is not part of this Notification but is intended to indicate its general purport).

Under clause (a) of sub-section (1) of section 4 of the Kerala Marine Fishing Regulation Ordinance, 1980 (12 of 1980) the Government have been empowered to prohibit the use of such class of vessels for fishing in any specified area for the purpose of the Ordinance. This notification is intended to specify a 'specified area' under clause (h) of section 2 of the said Ordinance for the purpose of prohibiting the use of certain classes of mechanised fishing vessels.

GOVERNMENT OF KERALA

Transport, Fisheries & Ports (L) Department

ORDER

G. O. (P) 159/80/T.F&PD. *Dated, Trivandrum, 29th December,* 1980.

S. R. O. No. 1295/80.—Whereas Government are convinced of the need to protect the interest of persons engaged in fishing, using traditional fishing craft, such as catamarams, country crafts and canoes in the area specified in the sea along the entire coast line of the State.

And whereas there is need to conserve fish and to regulate fishing on a scientific basis in the specified area;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 4 of the Kerala Marine Fishing Regulation Ordinance, 1980 (12 of 1980) read with rule 3 of the Kerala Marine Fishing Regulation Rules, 1980 the Government of Kerala hereby prohibit the fishing by fishing vessels fitted with mechanical means of propulsion except motorised country crafts in the specified area mentioned in the notification issued under G.O. (P) 158/80/F&PD dated the 29th December, 1980.

By order of the Governor,

D. Babu Paul,

Special Secretary to Government.

Explanatory Note

(This note is not part of this order but is intended to indicate its general purport).

Section 4 (1)(a) of the Kerala Marine Fishing Regulation Ordinance, 1980 empowers the Government to regulate, restrict or prohibit the use of such class of vessels in any specified area. This Order is intended to prohibit fishing by fishing vessels fitted with mechanical means of propulsion except motorised country crafts in the specified area mentioned in the notification.

GOVERNMENT OF KERALA

Transport, Fisheries & Ports (L) Department

NOTIFICATION

G. O. (P) 160/80/F&PD. *Dated, Trivandrum, 29th December,* 1980.

S. R. O. No. 1296/80.—In exercise of the powers conferred by clause (h) of section 2 of the Kerala Marine Fishing Regulation Ordinance, 1980 (12 of 1980) the Government of Kerala hereby specify the area upto 35 fathom line in the sea along the coast line of the State from Kollengode to Edava for a length of 78 kilometres and the area upto 20 fathom line in the sea along the coast line from Paravoor South to Manjeswaram for a length of 512 kilometres as specified area for the purpose of regulating, restricting or prohibiting fishing by fishing vessels fitted with mechanical means of propulsion of 25 GRT and above under clause (a) of sub-section (1) of section 4 of the said Ordinance.

By order of the Governor,

D. Babu Paul,
Special Secretary to Government.

Explanatory Note

(This note is not part of this notification but is intended to indicate its general purport).

Under clause (a) of sub-section (1) of section 4 of the Kerala Marine Fishing Regulation Ordinance 1980 (12 of 1980) the Government have been empowered to prohibit the use of such class of vessels in any specified area for the purpose of the Ordinance. This notification is intended to specify a specified area under clause (h) of section 2 of the Ordinance for the purpose of prohibiting the use of fishing vessels of 25 GRT and above.

GOVERNMENT OF KERALA

Transport, Fisheries & Ports (L) Department

ORDER

G. O. (P) 161/80/F&PD. *Dated, Trivandrum, 29th December,* 1980.

S. R. O. No. 1297/80.—Whereas Government are convinced of the need to protect the interest of the persons engaged in fishing using traditional fishing craft such as catamarams, country crafts and canoes in the area specified in the sea along the entire coast line of the State but not beyond the territorial waters;

And whereas there is need to conserve fish and to regulate fishing on a scientific basis in the specified area;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 4 of the Kerala Marine Fishing Regulation Ordinance 1980 (12 of 1980) read with rule 3 of the Kerala Marine Fishing Regulation Rules, 1980 the Government of Kerala hereby prohibit the fishing by fishing vessels fitted with mechanical means of propulsion of 25 GRT and above in the specified area mentioned in the notification issued under G.O.(P) 160/80/F&PD dated the 29th December, 1980.

By order of the Governor,

D. BABU PAUL,
Special Secretary to Government.

Explanatory Note

(This note is not part of this order but is intended to indicate its general purport).

Section 4 (1) (a) of the Kerala Marine Fishing Regulation Ordinance, 1980 empowers the Government to regulate, restrict or prohibit the use of such class of vessels in any specified area. This order is intended to prohibit the fishing by fishing vessels fitted with mechanical means of propulsion of 25 GRT and above in the specified area mentioned in the notification.

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KERALA GAZETTE

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REPORT OF THE SUBJECT COMMITTEE

ON

THE KERALA FISHERMEN WELFARE SOCIETIES BILL, 1980

AND

THE BILL AS REPORTED BY THE SUBJECT COMMITTEE

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33/5171/MC

THE KERALA FISHERMEN WELFARE SOCIETIES BILL, 1980

(Report of the Subject Committee)

Subject Committee II—Land Revenue, Forests and Fisheries to which the Kerala Fishermen Welfare Societies Bill, 1980 was referred, have considered the Bill clause by clause and now submit this their report with the Bill as reported by the Committee annexed thereto.

2. The Kerala Fishermen Welfare Societies Bill, 1980 was published as a Gazette Extraordinary dated December 12, 1980. The Bill was introduced in the Assembly and was referred to the Subject Committee on December 23, 1980.

3. The Committee considered the Bill clause by clause at their sitting held on December 23, 1980.

4. The changes proposed by the Committee are set down in the following paragraphs:—

(i) *Clause* 2 *Sub-Clause* (*h*): The Committee consider that the sale of marine products by individuals other than by the members of fishermen families, the storage and processing of marine products and the manufacture of fishing nets shall not be included in the definition of "fishing operations". Necessary modifications have been made to this sub-clause.

(ii) *Clause* 9: The Committee think that the power to determine the number of members of the society shall not be invested with the Director. Necessary changes have been made to sub-clause (1) (a) of this clause for the purpose.

The Committee feel that the term of an elected member of the society shall be three years. Necessary modification has been made to sub-clause (3) of this clause accordingly.

The Committee are of the view that it is not necessary to make the Fisheries Officer the Chief Executive Officer of the Society. Sub-clause (7) has been deleted accordingly by bringing the first part of this sub-clause as sub-clause (1) of clause 15.

(iii) *Clause* 10: The Committee think that it is not necessary to disqualify a person to be elected, nominated or to continue to be a member of the Committee of a Society if he is a defaulter. Sub-clause (1) (e) has been deleted accordingly.

(iv) *Clause* 15: The functions of the Secretary of the society are enumerated in clause 15. For convenience the first part of sub-clause (7) of clause 9 which was deleted, has been brought to this clause specifying that the Fisheries Officer shall be the Secretary of the Society. Accordingly a new sub-clause (1) has been inserted to this clause.

The Committee are of opinion that if the majority of the members of the Committee of a Society by a resolution passed in a special meeting of the Committee request the Government to transfer the Secretary of a Society the Government should be bound to do so. A new sub-clause has been added for the purpose.

(v) *Clause* 17: The Committee consider that it is essential to delete the words "and subject to availability of funds" for the effective functioning of the Societies. Hence these words have been deleted from the opening sentence of this clause.

(vi) *Clause* 20: The Committee think that, it would cause difficulties if the previous sanction of the Director is stipulated for borrowing money by the Societies. Hence necessary modifications have been made to the clause.

5. All other changes made by the Committee are either verbal or consequential.

P. S. Sreenivasan,
Chairman,
Subject Committee—II.

THE KERALA FISHERMEN WELFARE SOCIETIES BILL, 1980

(As reported by the Subject Committee)

[Words under-lined or side-lined indicate the amendments suggested by the Committee. Omissions are indicated by asterisks]

A

BILL

to provide for the organisation of fisheries villages and to constitute fishermen welfare societies for such villages with a view to develop the economic, social and cultural life of the fishermen community in the State of Kerala.

Preamble.—Whereas the main avocation and means of livelihood of the fishermen community in the State of Kerala is fishing;

And Whereas the entire economy of more than four hundred villages, which are inhabited mainly by members of the fishermen community, depends upon the income of those members from fishing operations including * * * * * sale of the catches;

And Whereas the fishermen are, to a large extent, indebted to money lenders who are exploiting the economy of the fishermen community in general;

And Whereas the boats, crafts and nets used for fishing are not owned by the fishermen, but by others who exploit the fishermen by expropriating the major part of their earnings as rent of such implements and other charges in respect thereof;

And Whereas the fishermen are also exploited by money-lenders and middlemen by purchasing or otherwise depriving them of their catches without payment of the due price therefor, either by advancing money or by any other method;

And Whereas the fishermen are so deprived of the legitimate fruits of their industry and labour;

And Whereas it is necessary to end exploitation of fishermen by money-lenders and middlemen and to develop the economic, social and cultural life of the fishermen community;

Be it enacted in the Thirty-first Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Fishermen Welfare Societies Act, 1980.

(2) It extends to the whole of the State of Kerala.

(3) It shall be deemed to have come into force on the 21st day of November, 1980.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "committee" means the committee of a society;

(b) "Director" means the Director of Fisheries for the State of Kerala and includes any other officer appointed by the Government to exercise the powers and perform the functions of the Director under this Act;

(c) "fish" includes shell-fish, prawns and lobsters;

(d) "Fisheries Officer" means an officer appointed as such by the Government for each fisheries village to exercise the powers and perform the functions of the Fisheries Officer under this Act;

(e) "fisherman" means any person engaged mainly in fishing operations for his livelihood;

(f) "fishermen's welfare society" or "society" means a society constituted by the Government under section 4;

(g) "fisheries village" means an area declared by the Government under section 3 to be a fisheries village;

(h) "fishing operations" includes—

(i) fishing by any means, mechanical or otherwise;

(ii) the sale of marine products by members of families of fishermen, by transporting them to different places by headload or cycleload; * *

(iii) * * * * * * * * * * *

(i) "marine products" includes fish and shell-fish grown or cultured and caught from any inland waters.

Explanation.—For the purposes of this clause, "inland waters" includes ponds, tanks and reservoirs;

(j) "member" means a member of a society;

(k) "prescribed" means prescribed by rules made under this Act;

(l) "president" means the president of the committee of a society;

(m) "secretary" means the secretary of the committee of a society;

(n) "State" means the State of Kerala.

3. *Declaration of fisheries villages.*—The Government may, by notification in the Gazette, declare such of the areas as they consider are inhabited mainly by fishermen to be fisheries villages for the purposes of this Act and define the local limits of each such village.

4. *Fishermen's welfare societies.*—(1) The Government shall, by notification in the Gazette, constitute a fishermen's welfare society for each fisheries village by such name as may be specified in the notification.

(2) Every society shall be a body corporate by the name under which it is constituted, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, enter into contracts, institute and defend suits and other legal proceedings and to do all things necessary for the purposes for which it is constituted.

5. *Members of societies.*—(1) Every fisherman who permanently resides in a fisheries village or carries on fishing operations from or within a fisheries village and who—

(a) has attained the age of eighteen years; and

(b) is not of unsound mind,

shall be deemed to be a member of the society constituted for that fisheries village.

(2) The Fisheries Officer shall, subject to such rules as may be made in this behalf, prepare and publish in the prescribed manner a list of fishermen who are deemed to be members of the society as on the first day of September of each year:

Provided that the Government may direct that in respect of any particular year, such list shall be prepared with reference to such other date as may be specified in the notification.

6. *Expulsion of members.*—(1) Any member of a society who has acted adversely to the interests of the society may be expelled upon a resolution of the general body passed at a special meeting convened for the purpose by the votes of not less than two-thirds of the total number of members present and voting at the meeting.

(2) No member shall be expelled under sub-section (1) without giving him an opportunity to make representations.

7. *Votes of members.*—(1) Every member of a society shall have one vote in the affairs of the society:

Provided that in the case of an equality of votes, the president shall have and exercise a second or casting vote.

(2) Every member of a society shall exercise his vote in person.

8. *Management of societies.*—Subject to the provisions of this Act and the rules made thereunder, the final authority of a society shall vest in the general body of its members:

Provided that nothing contained in this section shall affect the exercise by the committee of the powers conferred on it by this Act or the rules made thereunder.

9. *Constitution of committee.*—(1) For every society, there shall be a committee consisting of the following persons, namely:—

(a) such number of members, being not less than four and not more than eight, as may be determined in such manner as may be prescribed to be elected by the members of the society in the prescribed manner from among themselves;

(b) not more than two members to be nominated by the Government.

(2) The members of the committee shall elect one among themselves to be its president.

(3) An elected member of the committee shall hold office for a period of three years from the date of his election.

(4) A nominated member of the committee shall hold office for such term as the Government may determine.

(5) Any member of a committee may resign his office by giving notice thereof in writing to the Director and on such resignation being accepted, shall be deemed to have vacated his office.

(6) A casual vacancy in the office of a member of a committee may be filled up, as soon as may be, by election or nomination, as the case may be, and a member elected or nominated to fill such vacancy shall hold office for the unexpired portion of the term of office of the member whose place he fills.

* * * * * * * *
* * * *

10. *Disqualifications and removal of members of committee.*—(1) No person shall be elected or nominated as, or continue to be, a member of the committee if he—

(a) is an officer or servant under the committee; or

(b) is an undischarged insolvent; or

(c) is of unsound mind; or

(d) has been convicted by a criminal court for an offence involving moral turpitude, unless such conviction has been set aside; * *

(e) * * * * * *

(2) The Government may remove from office any elected member of a committee who—

(a) is or has become subject to any of the disqualifications mentioned in sub-section (1); or

(b) has ceased to be a fisherman; or

(c) is absent without leave of the committee for more than three consecutive meetings of the committee:

Provided that no member of a committee shall be removed from office on the ground mentioned in clause (a) or clause (b) without giving him an opportunity of being heard.

11. *Acts of committee not to be invalidated by informality, vacancy, etc.*—No act done or proceeding taken under this Act by a committee shall be invalidated merely on the ground—

(a) of any vacancy or defect in the constitution of the committee; or

(b) of any defect or irregularity in the election or nomination of a person acting as a member thereof; or

(c) of any defect or irregularity in such act or proceeding not affecting the merits of the case.

12. *Annual general body meeting.*—(1) A general body meeting of a society shall be held once in a year for the purpose of—

(a) approval of the budget with reference to the duties and functions of the society prepared by the committee for the ensuing year;

(b) election, if any, in the prescribed manner, of the members of the committee other than nominated members;

(c) consideration of the audit report and the annual report;

(d) disposal of the net profit; and

(e) consideration of any other matter which may be brought forward in accordance with the bye-laws.

(2) The Director or any other person deputed by him shall have the right to attend the committee or general body meeting of any society.

13. *Special general body meetings.*—(1) The committee of a society may, at any time, call a special general body meeting of the society and shall call such meeting within one month after receipt of a requisition in writing from the Director or from such number of members or a proportion of the total number of members, as may be prescribed.

(2) If a special general body meeting of a society is not called in accordance with the requisition referred to in sub-section (1), the Director or any person authorised by him in this behalf shall have power to call such meeting and that meeting shall be deemed to be a meeting called by the committee.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Director or any person authorised by him in this behalf may, at any time, call a special general body meeting of the society in such manner and at such time and place within the area of its operation as he may direct and such meeting shall be deemed to be a meeting called by the committee.

(4) Notwithstanding anything contained in the bye-laws of a society, the Director or any person authorised by him in this behalf may, at any time, summon a meeting of the committee of the society and that meeting shall be deemed to be a meeting called in accordance with the bye-laws of the society and shall have power to transact all business which can be transacted at a meeting of the committee under the bye-laws of the society and such other business as is specially mentioned in the requisition made by the Director or the person authorised.

(5) The Director or any other person deputed by him shall have the right to attend the committee or general body meeting of any society convened in accordance with the provisions of this section.

14. *Functions of committee.*—(1) The management of the affairs of a society shall be vested in the committee of that society.

(2) The committee shall exercise such other powers and perform such other functions as may be prescribed.

15. *Secretary of committee:*—(1) The Fisheries Officer shall be the secretary of the committee.

(2) The secretary shall carry into effect the decisions of the committee:

Provided that the secretary shall, in cases where he is satisfied that any decision made by the committee is *ultra vires* the provisions of this Act or any other law for the time being in force or is against the objects of this Act, report the matter to the Director within such time as may be prescribed and carry the decision into effect if it is not suspended or cancelled by the Director.

(3) The secretary shall perform such other functions, including financial functions, as may be prescribed.

(4) The Government may transfer the secretary, and shall do so if such transfer is recommended by a resolution of the committee passed at a meeting specially called for the purpose and supported by the votes of the majority of the members of the committee.

16. *Powers of Director to cancel decision of committee.*—If on receipt of a report under the proviso to sub-section (2) of section 15 or otherwise, the Director is satisfied that any decision of a committee is *ultra vires* the provisions of this Act or any other law for the time being in force or is against the objects of this Act, he may, by order in writing, cancel the decision:

Provided that no decision shall be cancelled under this section unless the committee has been given a reasonable opportunity of showing cause against the proposed action:

Provided further that the Director shall have power to stay any action based on the decision of the committee, pending final decision by him.

17. *Duties and functions of societies.*—Subject to such rules as may be made in this behalf, * * * * * * a society may—

(a) take measures to make available fishing implements to its members at reasonable cost;

(b) advance loans to the members for the purchase of fishing implements and effect recovery of such loans in easy instalments;

(c) provide facilities for storage, processing and marketing of marine products;

(d) provide facilities to the members for the repair and maintenance of fishing implements;

(e) evolve and implement schemes for the welfare of the residents of fisheries villages;

(f) provide for the payment of accident relief to members and their families;

(g) provide for the payment of incapacity or disability or old age benefits to members;

(h) provide for such other welfare schemes as would improve the standard of living and ameliorate the social conditions of the members;

(i) provide for matters ancillary or incidental to any of the functions aforesaid; and

(j) perform such other functions as may be prescribed.

18. *Appointment of staff of society.*—(1) A society may appoint such number of officers and other employees as may be necessary for carrying out its functions under this Act.

(2) The conditions of appointment and service and scales of pay of the officers and servants referred to in sub-section (1) shall be such as may be prescribed.

19. *Grants and loans by Government.*—The Government may, after due appropriation made by the Legislative Assembly in this behalf, pay to the societies by way of grants or loans such amounts as they consider necessary.

20. *Power of society to borrow.*—A society may, from time to time, * * * * * * * * * * subject to the provisions of this Act and to such conditions as may be prescribed in this behalf, borrow any sum required for the purposes of this Act.

21. *Investment of funds.*—A society may invest or deposit its funds—

(a) in Government Savings Bank; or

(b) in any of the securities specified in section 20 of the Indian Trusts Acts, 1882 (Central Act 2 of 1882); or

(c) in any bank approved for the purpose by the Director; or

(d) in any other prescribed manner.

22. *Restriction on borrowings.*—A society shall receive deposits and loans only to such extent and under such conditions as may be prescribed or as may be specified in the bye-laws.

23. *Restrictions on loans.*—A society shall not make a loan to any person other than a member:

Provided that, with the general or special sanction of the Director, a society may make loans to another society.

24. *First charge of society on certain assets.*—(1) Notwithstanding anything contained in any law for the time being in force, but subject to any prior claim of the Government in respect of land revenue or any money recoverable as land revenue, any debt or outstanding demand owing to a society by any member or past member or deceased member shall be a first charge—

(a) upon the fishing implements of such member for the purchase of which the loan was taken from the society by such member; and

(b) upon any other property purchased in whole or in part out of any loan given by the society.

(2) No person shall transfer any property which is subject to a charge under sub-section (1) except with the previous permission in writing of the society which holds the charge.

(3) Notwithstanding anything contained in any law for the time being in force, any transfer of property made in contravention of the provisions of sub-section (2) shall be void.

(4) The charge created under sub-section (1) shall be available as against any claim of the Government arising from any loan granted by them after the grant of the loan by the society.

25. *Constitution of Fund.*—(1) There shall be formed a Fund for each society to be called the Fisheries Village Society's Fund of the fisheries village for which the society is constituted and there shall be credited thereto—

(a) any grants or loans that may be made by the Government under section 19;

(b) any grants or loans that may be made by any person or institution for the purposes of this Act; and

(c) all sums realised by the societies in carrying out the measures referred to in section 17.

(2) The Fund shall be administered by the committee subject to such rules as may be made in this behalf and shall be applied—

(a) for meeting the salaries, allowances and other remunerations of the officers and other employees of the society;

(b) for meeting the other administrative expenses of the society;

(c) for meeting the cost of the measures referred to in section 17; and

(d) for repayment of any loans from the Government or from any person or institution.

26. *Enquiry by Director.*—(1) The Director may, of his own motion or on the application of a society, by himself or by a person authorised by him by order in writing, hold an inquiry into the constitution, working and financial condition of a society.

(2) An inquiry of the nature referred to in sub-section (1) shall be held on the application of—

(a) a majority of the members of the committee; or

(b) not less than one-third of the total number of members of the society or the number of members required for the quorum of the general body, whichever is less.

(3) The Director or the person authorised by him under sub-section (1) shall, for the purpose of an inquiry under this section, have the following powers, namely:—

(a) he shall, at all reasonable times, have free access to the books, accounts, documents, securities, cash and other properties belonging to, or in the custody of, the society and may summon any person in possession of, or responsible for the custody of, any such books, accounts, documents, securities, cash or other properties, to produce the same at any place at the headquarters of the society or any branch thereof;

(b) he may summon any person who, he has reason to believe, has knowledge of any of the affairs of the society to appear before him at any place at the headquarters of the society or any branch thereof and may examine such person on oath; and

(c) (i) he may, notwithstanding any rule or bye-law specifying the period of notice for a general body meeting of the society, himself call a general body meeting or require the president or secretary to call a general body meeting at such time and place at the headquarters of the society or any branch thereof to determine such matters as may be directed by him;

(ii) any meeting called under sub-clause (i) shall have all the powers of a general body meeting called under the bye-laws of the society.

(4) When an inquiry is made under this section, the Director may communicate the result of the inquiry to the Government with his recommendations.

(5) When an inquiry made under this section reveals only minor defects which, in the opinion of the Director, can be remedied by the society, he may communicate the result of the inquiry to the society and may also direct the society or its officers to take such action within the time specified therein to remedy the defects disclosed in such inquiry.

27. *Supervision and inspection*—.(1) The Director shall supervise or cause to be supervised by a person authorised by him by general or special order in writing in this behalf, the working of every society as frequently as he may consider necessary.

(2) The supervision under sub-section (1) may include an inspection of the books of the society.

(3) The Director or any person authorised by the Director under sub-section (1) or sub-section (2) shall at all reasonable times have free access to the books, records and accounts of the society and may summon any person in possession of or responsible for the custody of any such books, records and accounts, to produce the same for inspection at any place at the headquarters of the society or any branch thereof.

(4) It shall be the duty of every officer and employee of the society to assist in such supervision or inspection and to furnish any information that may be required for the purpose.

(5) The Director or the person authorised by him under sub-section (1) or sub-section (2) may, by order in writing, direct the society or its officers to take such action as may be specified in such order within the time that may be mentioned in such order.

28. *Powers of revision of Director and Government.*—(1) The Director may of his own motion or on application call for and examine the record of any officer subordinate to him, and the Government may of their own motion or an application call for and examine the record of the Director, or any officer subordinate to him, in respect of any proceeding under this Act or any rule made thereunder to satisfy himself or themselves as to the regularity of such proceedings or the correctness, legality or propriety of any decision passed or order made therein and if in any case it appears to the Director or the Government that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, he or they may pass orders accordingly:

Provided that every application to the Director or the Government for the exercise of the powers under this section shall be preferred within three

months from the date on which the proceeding, decision or order to which the application relates was communicated to the applicant.

(2) No order prejudicial to any person shall be passed under sub-section (1) unless such person has been given an opportunity of making his representation.

(3) The Director or the Government, as the case may be, may suspend the execution of the decision or order pending the exercise of his or their power under sub-section (1) in respect thereof.

(4) The Director or the Government may award costs in proceedings under this section to be paid either out of the funds of the society or by such party to the application for revision as the Director or the Government may deem fit.

29. *Mode of recovery of sums payable to society.*—Any sum due to a society under this Act or any rules made thereunder shall, without prejudice to any other mode of recovery, be recoverable on behalf of the society as an arrear of public revenue due on land.

30. *Accounts and audit.*—(1) Every society shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed in consultation with the Examiner of Local Fund Accounts.

(2) The accounts of each society shall be audited by the Examiner of Local Fund Accounts at such intervals as may be specified by him.

(3) The Examiner of Local Fund Accounts and any person appointed by him in connection with the audit of the accounts of the societies shall have such rights and privileges as may be prescribed.

(4) No contribution shall be recovered by the Government from the societies towards the pay and allowances of any person appointed in connection with the audit of the accounts of the societies or towards any other expenditure involved in such audit.

(5) The accounts of each society as certified by the Examiner of Local Fund Accounts together with the audit report thereon shall be forwarded annually to the Government.

31. *Directions by Government.*—(1) The Government may, from time to time, give to a society general instructions, not inconsistent with the provisions of this Act, to be followed by the society.

(2) In the performance of its functions under this Act, a society shall not depart from any general instructions given under sub-section (1), except with the previous permission of the Government.

32. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceedings shall lie against the Government or the Director or any member of the committee or any officer or employee of the Government or a society for anything which is in good faith done or intended to be done under this Act or the rules or bye-laws made thereunder.

33. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the matters in respect of which a society may make bye-laws;

(b) the procedure to be followed for the making of bye-laws and cancellation or amendment of any bye-laws and the publication and the date on which they shall come into effect;

(c) the election of members of the committee by the general body of a society;

(d) the requisitioning of a general meeting of a society;

(e) the qualifications or disqualifications for membership of the committee of a society;

(f) the qualifications of employees of societies;

(g) the prohibition against members of the committee of a society being interested in contracts with the society;

(h) the mode of investment of funds of a society;

(i) the restrictions on transactions of a society with non-members;

(j) the procedure for the recovery of amounts due or payable to a society;

(k) the account books and registers to be kept by a society and power of the Director to call for any returns or direct the accounts and books to be written up;

(l) the manner of certification of entries in the books of a society and copies of documents kept by it in the course of its business;

(m) the statements and returns to be furnished by a society to the Director;

(n) any other matter which has to be, or may be, prescribed under this Act.

(3) Every rule made under this section shall be laid as soon as may be after it is made before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

34. *Power to make bye-laws.*—(1) A society may with the approval of the Director, make bye-laws not inconsistent with the provisions of this Act or the rules made thereunder, for carrying out any of the purposes for which it is constituted.

(2) The Director may cancel or amend any bye-law made by a society:

Provided that the society shall be given an opportunity to express its views before any bye-law is cancelled or amended.

35. *Repeal and saving.*—(1) The Kerala Fishermen Welfare Societies Ordinance, 1980 (9 of 1980), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

Secretariat of the Kerala Legislature,
Trivandrum,
December 29, 1980.

DR. R. PRASANNAN
Secretary.